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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,146	06/20/2000	Daiki Kadomatsu	862.C1941	5114
5514	7590	08/24/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			BAUGH, APRIL L	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action

Application No.

09/597,146

Applicant(s)

KADOMATSU, DAIKI

Examiner

April L Baugh

Art Unit

2141

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____


Claim(s) rejected: 1-31.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

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Continuation of 5. does NOT place the application in condition for allowance because: Applicant argues that the prior art of record does not teach adding transmission information onto image data and compressing the image data onto which transmission information was added. Examiner cites Saito et al. (Fig. 4, column 2, lines 29-35 and column 5, lines 26-34 and 39-48) and AAPA (page 1, line 19 through page 2, line 6) as teaching a means for adding transmission information onto image data and a means for compressing the image data. Applicant argues on page 17, 1st full paragraph of the after final response that Saito does not teach that the transmission information of the header is not embedded in the original image, but this wording is found nowhere within the claim language as presented. Further the applicant argues that the prior art of record does not teach of extracting image data from a buffer in prescribed area units. Examiner disagrees, citing Retter et al. (column 2, lines 41-49) which teaches dividing an image into slices and processing the slices separately. Lastly, applicant argues the prior art of record does not teach replacing depending on the position of the marker, some of the image data with transmission information. Examiner cites Retter et al. (Fig. 1, column 1, lines 33-40 and column 4, lines 16-23 and 34-36 and 66-67) as teaching different types of markers such as start of image, start of frame, and end of image, but specifically the restart marker is placed on every slice of an image. It is well known that if an image is segmented to be processed it must eventually be placed back together to display, thus the restart marker, marks the position to add the next image slice. In combination with Saito et al. (Fig. 4, column 2, lines 29-35 and column 5, lines 26-34 and 39-48) which teaches adding transmission information it is obvious to use markers to not only define a position at which a vertical slice of an image should be added but any other type of information as well such as transmission information.


PAUL KANG
PRIMARY EXAMINER